

FIRST REGULAR SESSION

SENATE BILL NO. 149

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Read 1st time January 16, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0045S.02I

AN ACT

To repeal sections 578.600, 578.602, 578.604, 578.606, 578.610, 578.612, 578.614, 578.620, and 578.622, RSMo, and to enact in lieu thereof twenty-seven new sections relating to possession of exotic animals, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 578.600, 578.602, 578.604, 578.606, 578.610, 578.612, 578.614, 578.620, and 578.622, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 578.600, 578.602, 578.604, 578.606, 578.610, 578.612, 578.613, 578.614, 578.620, 578.700, 578.703, 578.704, 578.706, 578.709, 578.712, 578.715, 578.718, 578.721, 578.724, 578.727, 578.730, 578.734, 578.736, 578.737, 578.739, 578.742, and 578.745, to read as follows:

578.600. 1. Sections 578.600 to 578.624 shall be known and may be cited as the "Large Carnivore Act".

2. As used in sections 578.600 to 578.624, the following terms mean:

(1) "Circus", an incorporated, class C licensee that is licensed under Chapter I of Title 9 of the Code of Federal Regulations that is temporarily in this state, and that offers skilled performances by live animals, clowns, and acrobats for public entertainment;

(2) "Department", the Missouri department of agriculture;

(3) **"Director", the director of the Missouri department of agriculture;**

(4) "Division", the division of animal health of the Missouri department of agriculture;

[(4)] (5) "Facility", an indoor or outdoor cage, pen, or similar enclosure

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 where a large carnivore is kept;

15 [(5) "Humane killing", the same meaning as such term is defined in section
16 578.005;]

17 (6) "Large carnivore", either of the following:

18 (a) Any of the following large cats of the Felidae family that are nonnative
19 to this state held in captivity: tiger, lion, jaguar, leopard, snow leopard, [clouded
20 leopard,] and cheetah, including a hybrid cross with such cat, but excluding any
21 unlisted nonnative cat, or any common domestic or house cat; or

22 (b) A bear of a species that is nonnative to this state and held in captivity;

23 (7) "Livestock", the same meaning as such term is defined in section
24 267.565;

25 (8) "Permit", a permit issued under section 578.602;

26 (9) **"Person", any individual, partnership, corporation,
27 organization, trade or professional association, firm, limited liability
28 company, joint venture, association, trust, estate, or any other legal
29 entity, and any officer, member, shareholder, director, employee, agent,
30 or representative thereof;**

31 **(10) "Possessor", any person who owns, possesses, keeps, harbors,
32 brings into the state, has in one's possession, acts as a custodian of, or
33 has custody or control of, a large carnivore;**

34 (11) "Qualified veterinarian", a person licensed to practice veterinary
35 medicine under chapter 340;

36 **(12) "Site", contiguous property on which one or more facilities
37 are located.**

578.602. 1. Except as permitted under sections 578.600 to 578.624, no
2 person shall:

3 (1) Own or possess a large carnivore;

4 (2) Breed a large carnivore; **or**

5 (3) Transfer ownership or possession of or receive a transfer of ownership
6 or possession of a large carnivore, with or without remuneration[; or

7 (4) Transport a large carnivore].

8 2. The division shall implement and enforce the provisions of sections
9 578.600 to 578.624 for the following purposes:

10 (1) The standardization of ownership[, transport,] and breeding of large
11 carnivores;

12 (2) Identification and location of large carnivores;

13 (3) Protection of members of the public from large carnivores; and

14 (4) Practice best husbandry and health care protocols to ensure the
15 humane and safe treatment of large carnivores on behalf of their physical
16 well-being.

17 3. Any person possessing[,] or breeding[, or transporting] a large
18 carnivore on or after January 1, 2012, shall apply for and obtain a permit from
19 the division. Any person possessing[,] or breeding[, or transporting] a large
20 carnivore as of January 1, 2012, shall apply for a permit from the division within
21 sixty days of such date. One permit shall be required for each [large carnivore]
22 **possessor for each site. Where one possessor keeps more than one large**
23 **carnivore on the same site, only one permit is needed. If multiple**
24 **possessors keep large carnivores on the same site, each possessor shall**
25 **be required to apply for his or her own permit.** Any permit so issued by
26 the division shall set forth all of the following:

27 (1) The name and address of the permit holder and the address [where
28 each large carnivore will be kept] **of the site**, if different from that of the permit
29 holder;

30 (2) **The number of large carnivores kept by the permit holder on**
31 **the site;**

32 (3) The identification number [of] **required under section 578.604 for**
33 each large carnivore [required under section 578.604 for which a permit is
34 sought] **that is kept on the site;**

35 [(3)] (4) The name and address of the veterinarian who is expected to
36 provide veterinary care to [the] **each large carnivore on the site** and, if
37 different, the name and address of the veterinarian [who has inserted the
38 subcutaneous microchip] **involved in the identification process** required
39 under section 578.604. The selected veterinarian shall [install the microchip]
40 **ensure the animal complies with section 578.604**, collect an appropriate
41 sample for DNA registration, provide a written summary of the physical
42 examination, and provide a signed health certificate as needed for transport; and

43 [(4)] (5) Any other reasonable information as determined by the
44 department, including the amount of the permit fee[, not to exceed two thousand
45 five hundred dollars, as set by the division to offset the actual and necessary
46 costs incurred to enforce the provisions of sections 578.600 to 578.624] and the
47 amount of the annual renewal fee, [not to exceed five hundred dollars, for such
48 permits] **which shall be set in amounts that allow the department to**

49 **recover only up to the actual costs of administering and enforcing**
50 **sections 578.600 to 578.624.**

51 4. **[No permit shall be issued to any person under] A person shall be**
52 **ineligible for a permit under this section if such person:**

53 (1) **Is under** the age of twenty-one years of age [or who];

54 (2) **Has been found guilty of, or pled guilty to, a violation of any state or**
55 **local law prohibiting neglect or mistreatment of any animal or, within the**
56 **previous ten years, any felony; or**

57 (3) **Does not have a valid license from the United States**
58 **Department of Agriculture for a large carnivore, if such person is**
59 **required by federal law to have such license.**

60 5. **Any information submitted to the department under this**
61 **section shall be considered a closed record under chapter 610. A**
62 **person's status as an applicant under this section or a holder of a**
63 **permit under sections 578.600 to 578.624 shall be considered**
64 **confidential and not subject to chapter 610. No disclosure of any**
65 **information submitted to the department under this section shall be**
66 **made unless mandated by a court order, except that the department**
67 **shall cooperate with law enforcement agencies upon any such request**
68 **by a law enforcement agency.**

578.604. The owner of a large carnivore shall [have an identification
2 number placed in the large carnivore via subcutaneous microchip, at the expense
3 of the owner, by or under the supervision of a veterinarian] **ensure that the**
4 **large carnivore has permanent identification. The department shall, by**
5 **rule, determine acceptable methods for compliance with the provisions**
6 **of this section.**

578.606. 1. Any person who owns, possesses, breeds, or sells a large
2 carnivore shall adhere to all United States Department of Agriculture regulations
3 and standards.

4 2. **[Upon the death of a large carnivore, the owner shall notify the state**
5 **department of agriculture of such death within ten business days. Such**
6 **notification shall include the identification number from the animal's**
7 **subcutaneous microchip.] The department shall keep records of all valid**
8 **permit holders. A permit holder shall notify the department of any**
9 **changes to the information on the permit within thirty days of such**
10 **change, which shall include the death of a large carnivore or the**

11 **acquisition of a new large carnivore to be located on the site.**

578.610. 1. **The possessor of a large carnivore shall not allow**
2 **physical contact between members of the public and the large**
3 **carnivore except in accordance with rules promulgated by the**
4 **department.**

5 **2.** Any person who owns or possesses a large carnivore is liable in a civil
6 action for the death or injury of a human and for property damage, including but
7 not limited to the death or injury of another animal, caused by the large
8 carnivore. Sections 578.600 to 578.624 do not limit the common law liability of
9 the owner of a large carnivore for the death or injury of a human or for property
10 damage caused by the large carnivore.

11 **[2.] 3.** Any person who owns or possesses a large carnivore shall
12 **maintain proof of financial responsibility for liability damages for**
13 **destruction of or damage to property and death or bodily injury to a**
14 **person caused by the large carnivore. Such financial responsibility**
15 **may be met by any of the following ways:**

16 **(1) The maintenance of liability insurance coverage** in an amount of
17 not less than [two-hundred] fifty thousand dollars, **or an amount determined**
18 **by rule by the department, for each occurrence of liability;**

19 **(2) The acquisition of a surety bond, which shall be conditioned**
20 **for payments in amounts and under the same circumstances as would**
21 **be required in a liability insurance policy under subdivision (1) of this**
22 **subsection; or**

23 **(3) The deposit of cash or securities with the state treasurer in**
24 **an amount as determined by rule by the department, which shall be an**
25 **amount sufficient to satisfy execution of a judgment against the owner**
26 **or possessor in similar amounts as would be provided in an insurance**
27 **policy under subdivision (1) of this subsection. The administration of**
28 **this provision shall be similar to the administration of cash deposits**
29 **under section 303.240.**

30 Each person subject to the provisions of this subsection shall provide
31 [verification] **proof of financial responsibility** to the department on an
32 annual basis [that such liability insurance is being maintained]. **Such proof**
33 **shall consist of a copy of the certificate of insurance, evidence of surety**
34 **bond, or the certificate of cash deposit issued by the state treasurer.**

35 **4.** Each possessor shall have a plan for the quick and safe

36 **recapture of an escaped or released large carnivore. Any such plan**
37 **shall include designated capture equipment, location, and lethal and**
38 **nonlethal options for recapture. The plan shall also include humane**
39 **euthanasia of the large carnivore if recapture is deemed impossible.**

40 [3.] **5. If a large carnivore escapes or is released, intentionally or**
41 **unintentionally, the person who owns or possesses the large carnivore shall**
42 **immediately contact law enforcement to report the loss, escape, or release. The**
43 **person who owns or possesses the large carnivore is liable for all expenses**
44 **associated with efforts to recapture the large carnivore that is released or**
45 **escapes.**

46 **6. No person shall intentionally release a large carnivore. If a**
47 **large carnivore is intentionally released, the person responsible for the**
48 **release is liable for all expenses associated with efforts to recapture the**
49 **animal and may be subject to criminal prosecution.**

578.612. [A person lawfully in possession of a large carnivore under
2 sections 578.600 to 578.624 shall be required to obtain a permit to transport the
3 large carnivore in a vehicle in compliance with all federal and division
4 requirements applicable to such large carnivores.] **1. If the department finds**
5 **that an applicant for an original or renewal permit does not meet the**
6 **requirements under sections 578.600 to 578.624, the department shall**
7 **deny the applicant a permit and give the applicant written notice of the**
8 **denial and the reasons for the denial.**

9 **2. If the department finds that a person with a valid permit has**
10 **not complied with sections 578.600 to 578.624, the department may**
11 **suspend or revoke the permit and give the person written notice of the**
12 **suspension or revocation and the reasons for the suspension or**
13 **revocation.**

14 **3. The department may revoke a permit issued under sections**
15 **578.600 to 578.624 if the holder of the permit pleads guilty to or is found**
16 **guilty of a violation under sections 578.009 or 578.012.**

17 **4. A person who is denied a permit, denied a renewal of a permit,**
18 **or who has had a permit suspended or revoked may appeal the decision**
19 **to the director no later than fifteen days after the permit was denied,**
20 **suspended, or revoked. The director shall hold an informal hearing and**
21 **shall render a decision within sixty days of receiving notice of such**
22 **appeal. Any decision by the director may be appealed to a court of**
23 **competent jurisdiction.**

578.613. 1. The department, its staff or agents, and law enforcement officers may enforce the provisions of sections 578.600 to 578.624.

2. The possessor of a large carnivore, at all reasonable times, shall allow law enforcement officers and the department's staff or agents to enter the premises where the large carnivore is kept to ensure compliance with sections 578.600 to 578.624.

578.614. 1. [Subject to subsection 2 of this section, any person who violates sections 578.600 to 578.624 is guilty of] **A violation of sections 578.600 to 578.624 shall be** a class A misdemeanor[. Any person who fails to obtain a permit as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who intentionally releases a large carnivore except to the care, custody, and control of another person is guilty of a class D felony] **except that a violation of subsection 6 of section 578.610 shall be a class D felony.** In addition, a person who violates sections 578.600 to 578.624 may be [punished by] **subject to** one or more of the following:

- (1) Community service work for not more than five hundred hours;
- (2) The loss of privileges to own or possess any animal.

2. Subsection 1 of this section does not apply to a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee with respect to the performance of the duties of a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee under sections 578.600 to 578.624.

578.620. [1.] Sections [578.602 and 578.604] **578.600 to 578.624** shall not apply to any of the following:

- (1) An animal control shelter or animal protection shelter that is providing temporary care to a large carnivore for ninety days or less and has proper facilities to handle the large carnivore;
- (2) A law enforcement officer or department of agriculture employee acting under the authority of sections 578.600 to 578.624;
- (3) A veterinarian temporarily in possession of a large carnivore to provide veterinary care for or humanely euthanize the large carnivore;
- (4) [A class C licensee that possesses and maintains a class C license under 9 C.F.R. 1.1 that meets the following conditions:
 - (a) The business is not conducted in connection with another business as a means of attracting customers to such other business;

14 (b) The class C licensee currently owns or possesses a large carnivore on
15 August 28, 2010; except that, any class C licensee whose license is revoked after
16 August 28, 2010, shall be required to obtain a state permit. For any large
17 carnivore acquired after August 28, 2010, the class C licensee shall obtain a state
18 permit.

19 2. Sections 578.602 and 578.604 shall not apply to a person who is not a
20 resident of this state and who is in this state only for the purpose of travel
21 between locations outside of this state and is not exhibiting in this
22 state] **Persons temporarily transporting a large carnivore through the**
23 **state if the transit time is not more than seventy-two hours and the**
24 **animal is at all times maintained within a confinement sufficient to**
25 **prevent the large carnivore from escaping;**

26 (5) A circus; or

27 (6) The University of Missouri-Columbia College of Veterinary
28 Medicine.

578.700. 1. Sections 578.700 to 578.745 shall be known and may
2 be cited as the "Nonhuman Primate Act".

3 2. As used in sections 578.700 to 578.745, the following terms shall
4 mean:

5 (1) "Circus", an incorporated, class C licensee that is licensed
6 under Chapter I of Title 9 of the Code of Federal Regulations that is
7 temporarily in this state, and that offers skilled performances by live
8 animals, clowns, and acrobats for public entertainment;

9 (2) "Department", the Missouri department of agriculture;

10 (3) "Director", the director of the Missouri department of
11 agriculture;

12 (4) "Facility", an indoor or outdoor cage, pen, or similar
13 enclosure where a nonhuman primate is kept;

14 (5) "Livestock", the same meaning as such term is defined in
15 section 267.565;

16 (6) "Nonhuman primate", a baboon or a Nonhuman Great Ape
17 (chimpanzee, orangutan, gorilla), including hybrids thereof;

18 (7) "Permit", an original or renewal permit issued by the
19 department under sections 578.700 to 578.745;

20 (8) "Person", any individual, partnership, corporation,
21 organization, trade or professional association, firm, limited liability
22 company, joint venture, association, trust, estate, or any other legal

23 entity, and any officer, member, shareholder, director, employee, agent,
24 or representative thereof;

25 (9) "Possessor", any person who owns, possesses, keeps, harbors,
26 brings into the state, has in one's possession, acts as a custodian of, or
27 has custody or control of, a nonhuman primate;

28 (10) "Site", contiguous property on which one or more facilities
29 are located;

30 (11) "Wildlife sanctuary", a nonprofit organization described in
31 Section 170(b)(1)(A)(vi), Internal Revenue Code 1986, and its subsequent
32 amendments, that:

33 (a) Operates a place of refuge where abused, neglected,
34 unwanted, impounded, abandoned, orphaned, or displaced animals are
35 provided care for the lifetime of the animal;

36 (b) Does not conduct any commercial activity with respect to
37 dangerous wild animals, including, but not limited to:

38 a. Sale, trade, auction, lease, or loan of dangerous wild animals
39 or parts of such animals; or

40 b. Use of dangerous wild animals in any manner in a for-profit
41 business or operation;

42 (c) Does not use dangerous wild animals for entertainment
43 purposes or in a traveling exhibit;

44 (d) Does not breed any dangerous wild animals;

45 (e) Does not allow members of the public the opportunity to
46 come into contact with dangerous wild animals; and

47 (f) Is accredited by the Global Federation of Animal Sanctuaries.

578.703. It shall be unlawful for any person to own, possess, keep,
2 harbor, transfer ownership of, bring into the state, have in one's
3 possession, act as a custodian, or have custody or control of a
4 nonhuman primate, except in compliance with sections 578.700 to
5 578.745 and any United States Department of Agriculture regulation or
6 standard.

578.704. The owner of a nonhuman primate shall ensure that the
2 nonhuman primate has permanent identification. The department
3 shall, by rule, determine acceptable methods for compliance with the
4 provisions of this section. Any owner in possession of a nonhuman
5 primate as of August 28, 2013, shall have up to twelve months after the
6 promulgation of rules in which to comply with the provisions of this

7 section.

578.706. 1. The provisions of sections 578.700 to 578.745 shall not
2 apply to:

3 (1) An animal control shelter or animal protection shelter that
4 is providing temporary care to a nonhuman primate for ninety days or
5 less and has proper facilities to handle the nonhuman primate;

6 (2) A law enforcement officer or department of agriculture
7 employee acting under the authority of sections 578.700 to 578.745;

8 (3) A veterinarian temporarily in possession of a nonhuman
9 primate to provide veterinary care for or humanely euthanize the
10 nonhuman primate;

11 (4) Wildlife sanctuaries;

12 (5) A research facility as defined by the Animal Welfare Act, 7
13 USCA 2132, as amended;

14 (6) Persons temporarily transporting a nonhuman primate
15 through the state if the transit time is not more than seventy-two hours
16 and the animal is at all times maintained within a confinement
17 sufficient to prevent the nonhuman primate from escaping; or

18 (7) A circus.

19 2. Notwithstanding the provisions of subsection 1 of this section
20 to the contrary, a wildlife sanctuary under subdivision (4) of subsection
21 1 of this section shall not be exempt from the provisions of section
22 578.704.

578.709. 1. A person may not own, possess, keep, harbor, have in
2 one's possession, act as a custodian, or have custody or control of a
3 nonhuman primate on and after September 1, 2014, unless that person
4 holds a valid permit under sections 578.700 to 578.745.

5 2. A person shall apply for a permit within thirty days of the
6 acquisition of a nonhuman primate unless such person owned or
7 otherwise had the nonhuman primate in his or her possession as of
8 August 28, 2013, in which case such person shall have until thirty days
9 after September 1, 2014, to apply for a permit. One permit shall be
10 required for each possessor for each site. Where one possessor keeps
11 more than one nonhuman primate on the same site, only one permit is
12 needed. If multiple possessors keep nonhuman primates on the same
13 site, each possessor shall be required to obtain his or her own permit.

578.712. 1. To obtain a permit under section 578.709, a person

2 shall submit an application to the department on forms provided by the
3 department. In addition to any other information the department may
4 deem necessary, the application shall require the following:

5 (1) The name, address, telephone number, and date of birth of
6 the applicant;

7 (2) A description of each nonhuman primate possessed by the
8 applicant that is located on the site, including the identification
9 number under section 578.704, scientific name, name, sex, age, color,
10 weight, and any distinguishing marks or coloration that would aid in
11 the identification of the animal;

12 (3) The exact location where each nonhuman primate on the site
13 is to be kept;

14 (4) The name, address, and telephone number of the person from
15 whom the applicant obtained each nonhuman primate, if known;

16 (5) The name, address, and telephone number of the veterinarian
17 providing veterinary care to each nonhuman primate and a certificate
18 of good health from the possessor's veterinarian;

19 (6) Copies of any federally- or internationally-required permits
20 for each nonhuman primate; and

21 (7) Proof of the financial responsibility required under
22 subsection 2 of section 578.724.

23 2. A permit shall be valid for one year and may be renewed. The
24 department shall establish procedures for obtaining a renewal permit.

25 3. A person shall not be eligible to apply for a permit under this
26 section if he or she is under twenty-one years of age or if he or she has
27 pled guilty to or been found guilty of:

28 (1) A violation of any state or local law prohibiting neglect or
29 mistreatment of any animal; or

30 (2) Within the previous ten years, any felony.

31 4. Any information submitted to the department under this
32 section shall be considered a closed record under chapter 610. A
33 person's status as an applicant under this section or a holder of a
34 permit under sections 578.700 to 578.745 shall be considered
35 confidential and not subject to chapter 610. No disclosure of any
36 information submitted to the department under this section shall be
37 made unless mandated by a court order, except that the department
38 shall cooperate with law enforcement agencies upon any such request

39 by a law enforcement agency.

578.715. 1. The department may establish and charge a separate
2 fee for the original application for and renewal of a permit. The
3 department shall set each fee in an amount to allow the department to
4 recover only up to the actual costs of administering and enforcing
5 sections 578.700 to 578.745. At no time shall the total fee revenues
6 exceed the total actual cost of administering and enforcing these
7 sections. The fee revenues shall be deposited into the fund created
8 under this section and shall only be used by the department for the
9 administration and enforcement of these sections.

10 2. A permit shall not be issued by the department unless the
11 department finds that all of the requirements in sections 578.700 to
12 578.745 have been met.

13 3. A permit shall set forth all of the following information:

14 (1) The name, address, telephone number, and date of birth of
15 the permit holder;

16 (2) The address of the site if different from the address in
17 subdivision (1) of this subsection;

18 (3) The name, identification number, sex, species, and age of
19 each nonhuman primate that is located on the site, and any
20 distinguishing marks or coloration that would aid in the identification
21 of each animal;

22 (4) The name, address, and telephone number of the veterinarian
23 who provides veterinary care to each nonhuman primate listed on the
24 permit. Veterinarian records for each nonhuman primate shall be made
25 available at any time; and

26 (5) Any other relevant information the department may deem
27 necessary.

28 4. The department shall keep records of all valid permit holders.
29 A permit holder shall notify the department of any changes to the
30 information on the permit within thirty days of such change, which
31 shall include the death of a nonhuman primate or the acquisition of a
32 new nonhuman primate to be located on the site.

33 5. There is hereby created in the state treasury the "Nonhuman
34 Primate Fund", which shall consist of money collected under this
35 section. The state treasurer shall be custodian of the fund and may
36 approve disbursements from the fund in accordance with sections

37 30.170 and 30.180. Upon appropriation, money in the fund shall be used
38 solely for the administration of sections 578.700 to 578.745. Any moneys
39 remaining in the fund at the end of the biennium shall not revert to the
40 credit of the general revenue fund. The state treasurer shall invest
41 moneys in the fund in the same manner as other funds are
42 invested. Any interest and moneys earned on such investments shall be
43 credited to the fund.

578.718. 1. If the department finds that an applicant for an
2 original or renewal permit does not meet the requirements under
3 sections 578.700 to 578.745, the department shall deny the applicant a
4 permit and give the applicant written notice of the denial and the
5 reasons for the denial.

6 2. If the department finds that a person with a valid permit has
7 not complied with sections 578.700 to 578.745, the department may
8 suspend or revoke the permit and give the person written notice of the
9 suspension or revocation and the reasons for the suspension or
10 revocation.

11 3. The department may revoke a permit issued under sections
12 578.700 to 578.745 if the holder of the permit pleads guilty to or is found
13 guilty of a violation under sections 578.009 or 578.012.

14 4. A person who is denied a permit, denied a renewal of a permit,
15 or who has had a permit suspended or revoked may appeal the decision
16 to the director no later than fifteen days after the permit was denied,
17 suspended, or revoked. The director shall hold an informal hearing and
18 shall render a decision within sixty days of receiving notice of such
19 appeal. Any decision by the director may be appealed to a court of
20 competent jurisdiction.

578.721. 1. If a possessor can no longer care for his or her
2 nonhuman primate, the possessor may:

3 (1) Transfer his or her nonhuman primate to another person who
4 holds a valid permit;

5 (2) Contact the department; or

6 (3) Contact a wildlife sanctuary.

7 2. In the event of a transfer under subsection 1 of this section,
8 the department shall be notified at least thirty days prior to the
9 transfer and all relevant information on both permits shall be updated
10 to reflect the transfer.

578.724. 1. Each possessor shall have a plan for the quick and safe recapture of an escaped or released nonhuman primate. Any such plan shall include designated capture equipment, location, and lethal and nonlethal options for recapture. The plan shall also include humane euthanasia of the nonhuman primate if recapture is deemed impossible.

2. A possessor of a nonhuman primate shall maintain proof of financial responsibility for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the nonhuman primate. Such financial responsibility may be met by any of the following ways:

(1) The maintenance of liability insurance coverage in an amount of not less than fifty thousand dollars, or an amount determined by rule by the department, for each occurrence of liability;

(2) The acquisition of a surety bond, which shall be conditioned for payments in amounts and under the same circumstances as would be required in a liability insurance policy under subdivision (1) of this subsection; or

(3) The deposit of cash or securities with the state treasurer in an amount as determined by rule by the department, which shall be an amount sufficient to satisfy execution of a judgment against the possessor in similar amounts as would be provided in an insurance policy under subdivision (1) of this subsection. The administration of this provision shall be similar to the administration of cash deposits under section 303.240.

For purposes of showing proof of financial responsibility as part of the permit process, the possessor of a nonhuman primate shall provide to the department a copy of the certificate of insurance, evidence of surety bond, or the certificate of cash deposit issued by the state treasurer.

578.727. 1. The possessor of a nonhuman primate shall not allow physical contact between members of the public and the nonhuman primate except in accordance with rules promulgated by the department.

2. If any nonhuman primate escapes, either intentionally or unintentionally, the possessor of the nonhuman primate shall immediately contact a law enforcement officer of the city or county

8 where the escape occurred to report the escape or release. The
9 possessor is liable for all expenses associated with efforts to recapture
10 the animal and may be subject to criminal prosecution.

11 3. No person shall intentionally release a nonhuman primate. If
12 a nonhuman primate is intentionally released, the person responsible
13 for the release is liable for all expenses associated with efforts to
14 recapture the animal and may be subject to criminal prosecution.

578.730. 1. The department, its staff or its agents, and law
2 enforcement officers may enforce the provisions of sections 578.700 to
3 578.745.

4 2. The possessor of a nonhuman primate, at all reasonable times,
5 shall allow law enforcement officers and the department's staff or
6 agents to enter the premises where the nonhuman primate is kept to
7 ensure compliance with sections 578.700 to 578.745.

578.734. 1. A law enforcement officer or other person may kill a
2 nonhuman primate if such officer or person observes or has reason to
3 believe that the nonhuman primate is chasing, attacking, injuring, or
4 killing:

5 (1) A human being, whether the nonhuman primate is contained
6 in or is outside of its enclosure;

7 (2) Livestock;

8 (3) Poultry; or

9 (4) A mammalian pet, only if the nonhuman primate is outside of
10 its enclosure.

11 2. No law enforcement officer, animal control officer, or person
12 shall be held civilly liable for damages or otherwise for killing or
13 attempting to kill a nonhuman primate under subsection 1 of this
14 section.

15 3. A nonhuman primate's entry onto a field or enclosure that is
16 owned by or leased by a person producing livestock or poultry
17 constitutes a trespass, and the person who owns or possesses the
18 nonhuman primate is liable in damages.

19 4. Any person who owns or possesses a nonhuman primate is
20 liable in a civil action for the death or injury of a human and for
21 property damage, including but not limited to the death or injury of
22 another animal, caused by the nonhuman primate. Sections 578.700 to
23 578.745 do not limit the common law liability of the owner of a

24 nonhuman primate for the death or injury of a human or for property
25 damage caused by the nonhuman primate.

578.736. 1. A violation of sections 578.700 to 578.745 shall be a
2 class A misdemeanor except that a violation of subsection 3 of section
3 578.727 shall be a class D felony. In addition, a person who violates
4 sections 578.700 to 578.745 may be subject to one or more of the
5 following:

6 (1) Community service work for not more than five hundred
7 hours;

8 (2) The loss of privileges to own or possess any animal.

9 2. Subsection 1 of this section shall not apply to a law
10 enforcement officer, animal control officer, veterinarian, or department
11 of agriculture employee with respect to the performance of the duties
12 of a law enforcement officer, animal control officer, veterinarian, or
13 department of agriculture employee under sections 578.700 to 578.745.

578.737. 1. If a person who owns, possesses, breeds, or sells a
2 nonhuman primate violates any provision of sections 578.700 to 578.745,
3 such nonhuman primate and any other nonhuman primate owned or
4 possessed by such person are subject to civil forfeiture.

5 2. The prosecuting attorney in an action under section 578.736
6 may file a petition requesting that the court issue an order for civil
7 forfeiture of all of the nonhuman primates owned or possessed by the
8 person violating any provision of sections 578.700 to 578.745.

578.739. 1. The department shall promulgate rules to implement
2 and administer sections 578.700 to 578.745. This includes, but is not
3 limited to, the creation of the permit program established under
4 sections 578.700 to 578.745, the form and content of the applications for
5 the permit and renewal permit, and fees for the permit.

6 2. Any rule or portion of a rule, as that term is defined in section
7 536.010 that is created under the authority delegated in this section
8 shall become effective only if it complies with and is subject to all of
9 the provisions of chapter 536, and, if applicable, section 536.028. This
10 section and chapter 536 are nonseverable and if any of the powers
11 vested with the general assembly pursuant to chapter 536, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2013, shall

15 be invalid and void.

2 **578.742. A political subdivision may adopt an ordinance**
3 **governing nonhuman primates that is more restrictive than sections**
4 **578.700 to 578.745. The requirements of sections 578.700 to 578.745 are**
5 **in addition to any other requirements governing a nonhuman primate**
6 **under state and federal law.**

7 **578.745. If any provision of sections 578.700 to 578.745 or the**
8 **application thereof to anyone or to any circumstance is held invalid,**
9 **the remainder of those sections and the application of such provisions**
10 **to others or other circumstances shall not be affected thereby.**

11 [578.622. Sections 578.600 to 578.624 shall not apply to a
12 circus, the University of Missouri-Columbia College of Veterinary
13 Medicine, or a zoological park that is a part of a district created
14 under chapter 184.]

✓

Bill

Copy